IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Scott C. Harris	Group Art Unit 3624
Appl. No.	:	10/065,327	
Filed	:	October 3, 2002	
For	:	WEB BASED COMMUNICATION OF INFORMATION WITH RECONFIGURABLE FORMAT	
Examiner	:	T. T. Havan	

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants Brief On Appeal

Sir:

Applicant files this supplemental Appeal Brief under Rule 41.37 to reinstate the appeal responsive to the Official Action dated September 20, 2006. The sections required by Rule 41.37 follow.

The present application qualifies for small entity status under 37 C.F.R. § 1.27.

NO FEE IS NECESSARY, SINCE THIS BRIEF IS REQUESTING REINSTATEMENT OF AN APPEAL IN WHICH ALL FEES HAD ALREADY BEEN PAID.

Real Party in Interest

The inventor, Scott C. Harris, is the real party in interest.

Related Appeals and Interferences

There are no known related appeals or interferences.

Status of Claims

Claims 1-18 and 41-52 are pending. Claims 19-40 are withdrawn from consideration. Each of Claims 1-18 and 41-52 are rejected.

Status of Amendments

No amendment was filed subsequent to the close of prosecution.

Summary of Claimed Subject Matter

Claim 1 defines a handheld housing with processor and display, described in paragraph 62, page 13, first four paragraphs. The processor is described in paragraph 63. Claim 1 defines how the display displays a plurality of different indicators and that the indicators are selected with a single actuation. Paragraph 68, page 14, explains that each script may have an icon, and paragraph 71 defines how the single actuation is executed based on the icons.

Claim 1 further defines that the actuation executes a restored sequence of actions that interface with a remote Internet site, take some action and returns

information from the Internet site based on the single actuation. Paragraph 71 describes how selecting an icon allows a number of different actions to be carried out in this way.

Claim 41 defines a computer with a network connection, see for example the end of paragraph 64 and paragraph 65 on page 14. A user interface display has at least one indication and a single actuation causes a prestored sequence of actions to be carried out over the network connection, see paragraph 68 which explains how the actuation is carried out.

Grounds of Rejection to be Reviewed on Appeal

Are the claims 1-18 and 41-52 unpatentable under 35 U.S.C. 103(a) based on Vlaphoplus in view of Fitzsimmons?

Arguments

The claims 1-18 and 41-52 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Vlaphoplus in view of Fitzsimmons. With all due respect, the hypothetical combination of prior art does not teach or suggest the subject matter now claimed.

The rejection now admits that Vlaphoplus does not disclose that the single actuation causes execution of a prestored sequence of actions that interface with a remote web site, takes some action on the remote web site and returns information from the Internet site; all based on the single actuation. This is correct:, Vlaphoplus discloses a system in which further information needs to be entered by the user in order

to carry out the interaction with the remote site. Multiple actions are not carried out on the remote based on the actuation.

Vlaphoplus' paragraphs 195 - 208 describe that different kinds of information can be accessed by selecting a category, and then, for example, filling in forms. For example, the previous rejection referred to Figure 16A and paragraph 195. Assume one selects one of the links on Figure 16A --for example, assume one selects the link 88. This is a purchase link, and brings up a form that allows you to purchase. The user needs to fill in that form, however, and then click again, in order to carry out the purchase. That is, the purchase icon 88 does not, by itself, carry out execution of a prestored series of actions on the remote Internet site, as required by claim 1. For each of the links, the user can add and edit information, and eventually carry something out. However, simply clicking one of those links will not do all of:

- interface with a remote website,

-execute a prestored sequence of actions on the remote website, and

-return information from the remote website,

as required by claim 1.

Rather, the link requires more information. It does not carry out a prestored sequence of actions on the remote website. Vlaphoplus simply shows using a single link to obtain a single item of information from a single website. Vlaphoplus does not initiate a prestored sequence of actions responsive to a single actuation, and certainly does not initiate a prestored sequence of actions, where one of those actions is "interface with a remote website" as claimed. Analogously, the remainder of Vlaphoplus' teaching is consistent. Paragraph 196 of Vlaphoplus allows the user to edit their information. However, the single link does not take an action on a remote website

as claimed. All of the different actions described in paragraphs 196, 197, 198, 200, 201,202 and 205 simply allows selection of the link, and allow the user to edit the information associated with that link. This is multiple separate actuations. This is not selecting "with a single actuation" as required by the claims.

Moreover, Vlaphoplus has no disclosure that any single actuation selects "execution of a prestored sequence of actions based on said single actuation that interface with a remote website, take some action on the remote website, and returns information from the Internet website" as claimed. This is quite simply not shown by Vlaphoplus. The previous contention to the contrary was wholly based on hindsight.

The new rejection now agrees that Vlaphoplus does not execute such a "sequence of actions...".

The rejection now states, however, that Vlaphoplus

"*discloses a handheld personal computer enables a user to enter userid and password at his computer (i.e. the remote Internet site) to return the information from the Internet web site. The Internet site displays plurality of links (i.e. different indicators) that the user sequentially executed*" (sic)

The undersigned is not entirely sure what this means. Admittedly, Vlaphoplus does allow a user to enter userid and password at their computer, and Internet websites return content. The undersigned is not quite sure how the computer on which the userid and password are entered is "i.e. the remote internet site". Moreover, the content returned from the site may display a plurality of links that the user may sequentially execute, but each of these executed links must be separately and

individually selected by the user for actuation. This is wholly and entirely different than the present claims which require an indicator "selecting execution of a prestored sequence of actions based on said single actuation that interface with a remote website, take some action on the remote website, and returns information from the Internet site, all based on said single actuation."

Again, the patent office now admits that Vlaphoplus does not teach this.

Now, the patent office for the first time cites the secondary reference to Fitzsimmons. The only analysis of Fitzsimmons is that

"*Fitzsimmons discloses a single actuation (para-0094 and 0098; abstract; figures 13-14). He discloses a single actuation of the handles simultaneously mates each device docked in rack with a respective PCB. He also discloses only one of each system can be used in conjunction with one or more multiplexers or other technology to allow single host units to communicate with multiple client devices. Thus, it would have been obvious to one of ordinary skill in the art to implement a single actuation to deliver information relating to products or services via the World Wide Web (WWW as discloses in Fitzsimmons.*" (Sic)

Again, the undersigned has no idea what this has to do with the claimed subject matter. This discusses devices docked in slots to interact with PCBs or multiplexers. Perhaps they can allow a single host to communicate with multiple clients, but this seems plainly irrelevant to the claim language which requires

[an indicator] ... "selected with a single actuation, selecting execution of a prestored sequence of actions based on said single actuation that interface with a remote internet site, takes some action on the remote internet site, and returns information from the internet site, all based on said single actuation"

This claim has nothing to do with circuit boards that are docked in slots.

Consider the scope and contents of Fitzsimmons, as required by *Graham v. John Deere*. Fitzsimmons teaches a system, for use for example in an art gallery. A visitor to the art gallery can receive a control unit 200 which allows selecting content to be provided to the visitor. See generally paragraph 28 of Fitzsimmons. A number of alternative embodiments are disclosed which allow other things to be done, including viewing more information via the World Wide Web, paragraph 47, capturing and using bookmarks, paragraph 69, and others. The infrared aspect uses multiplexers. The multiplexers can interface with a number of infrared transmitters see paragraphs 72 and 81. Protocol from the infrared multiplexer may transmit ASCII characters, see paragraph 89.

Paragraphs 94 and 98, which are referred to in the final rejection on page 3, refer to the way in which printed circuit boards or PCBs are placed into the multipin connector. Paragraph 94 refers to actuation of mechanical handles. While this uses the same word, "actuation", it does so in the context of mechanical actuation. The statement in the official action that the "single actuation" is used "to deliver information relating to products or services via the World Wide Web" is NONSENSE. The single actuation is used to insert a card. Fitzsimmons states "...those of ordinary skill in the art will appreciate that a single actuation of the handles simultaneously makes each device docked in rack 1100 with the respective PCB 1350".

Mechanical actuation to insert a PC card is wholly different from something that is "selected with a single actuation, selecting execution of a prestored sequence of actions based on said single actuation that interface with a remote internet site, takes some action on the remote internet site, and returns information from the internet site, all based on said single actuation" as claimed.

Fitzsimmons' actuation handles, used to place a card into a rack, has nothing to do with an actuation which operates to

- interface with a remote website,
-execute a prestored sequence of actions on the remote website, and
-return information from the remote website,

as required by claim 1.

Fitzsimmons' Paragraph 98 is wholly and entirely consistent with this interpretation. It simply states that the brackets in figure 14 can hold many different multiplexers. This has nothing to do with delivering information in the way claimed, and as extensively quoted above.

Admittedly, Fitzsimmons could be used to deliver information from the World Wide Web, but does not teach a single actuation to carry out a prestored sequence of actions language discussed above.

Therefore, assume first that the hypothetical combination of Vlaphoplus in view of Fitzsimmons could be made. This would provide a Vlaphoplus type system, which allows finding information on the Internet, but by the patent office's own admission, does not use a single actuation to return information from the Internet. This would be

combined with a Fitzsimmons system, which by the patent office's new interpretation uses a single actuation to insert printed circuit cards into slots. The hypothetical combination would not do all of:

- interface with a remote website,

-execute a prestored sequence of actions on the remote website, and

-return information from the remote website,

as required by claim 1.

Moreover, applicant respectfully suggests that there is no motivation for one of ordinary skill in the art to make this hypothetical combination. The subject matter of Vlaphoplus has nothing to do with card insertion into slots, as required by the patent office's new interpretation of Fitzsimmons.

Therefore, with all due respect, the rejection does not meet the patent office's burden of providing a prima facie showing of unpatentability, and the claims should be allowed thereover.

The dependent claims even further emphasize the distinctions over the prior art.

Claim 3 defines that the sequence from the single actuation accesses a plurality of different Internet sites. The information that is returned according to claim 3 is based on a plurality of different Internet sites. Nowhere is there any disclosure of this in Vlaphoplus in view of Fitzsimmons. Vlaphoplus in view of Fitzsimmons discloses nothing about accessing multiple different Internet sites "based on said single actuation" as claimed. The rejection now refers to Vlaphoplus figure 20 elements 82 through 96 and Figure 34 D. Figure 20 refers to a real estate embodiment which shows real estate brokers, admittedly has user information such as parties, commodities

purchase and sell, but teaches nothing about multiple different websites being accessed with a single actuation.

The plurality of links in elements 82 through 96 might be for different sites, but do not meet the claim language extensively discussed above. Similarly, figure 34 D may have links to different sites, but the language discussed above requires more than merely links to different sites, which is all that the rejection points out in Vlaphoplus.

Claim 5 defines that the information is a bank balance which is obtained with a single actuation. Figure 16B of Vlaphoplus shows a checking account number can be added, as can be attorneys and other information. However, there is no disclosure of automatically obtaining a bank balance "from said bank" based on a single actuation, as claimed. Vlaphoplus in view of Fitzsimmons is similarly silent about obtaining bank balanaces, or anything else, from a bank.

The rejection states that figure 16A in Vlaphoplus includes a balance from a bank. First of all, Figure 16A teaches nothing about obtaining that balance through a sequence of actions as required by the claims. Even further, however, figure 16A seems to show stock value, but shows nothing about a balance from a bank.

Claim 9 defines that the sequence of actions is used to place a bid upon an item. While Vlaphoplus does use the word "bid", it does so in the sense of commodities, and there is no disclosure of placing a bid using a single actuation to create a sequence of actuations on a remote site. A bid amount can be input, but there is no suggestion of a sequence of actions as required by the claim. Therefore, Vlaphoplus in view of Fitzsimmons does not teach or suggest the subject matter of claim 9.

Claim 10 defines a sequence of actions which accesses a first web site and then carries out a second action on a second website using the first value to access the

second website. As previously described, nothing in Vlaphoplus alone, or Vlaphoplus in view of Fitzsimmons in combination teaches anything about accessing two different web sites using the single actuation, as claimed. Therefore, claim 10 is even more clearly patentable under 35 USC 103.

Claim 11 defines details about those actuations, where the actuation of claim 11 obtains a bill amount from a first website, and then pays that bill using a second website which is the bank's website. All of this is done with a single actuation. This is not disclosed by Vlaphoplus alone, or Vlaphoplus in view of Fitzsimmons, and thus even more clearly patentable under 35 USC 103.

In discussing claim 11, the patent office apparently is making the argument that a person could in fact use the subject matter of these screenshots to manually obtain one bill amount and pay the other bill amount. With all due respect, however, claim 11 requires that all of this is done automatically when selected with a single actuation, something that the patent office has already admitted is not done in Vlaphoplus.

Claim 14 defines a biometric reader. There is no disclosure of such a reader in Vlaphoplus. The rejection is hence entirely improper, since nowhere does Vlaphoplus disclose a biometric reader. With all due respect, the Patent Office clearly has not met their burden of providing a prima facie showing of unpatentability of claim 14. The rejection now states, for the first time, that userid and password is a form of biometric reader. With all due respect, userid and password is certainly a form of biometric identification, but claim 14 requires a biometric reader. There is not one word about a biometric reader in Vlaphoplus in view of Fitzsimmons. Hence, the rejection is wholly based on hindsight.

Claims 15 and 16 define encryption. The appeal brief had incorrectly indicated that Vlaphoplus had no disclosure of encryption. The Applicant apologizes for the previous misstatement, which was made through oversight of the encryption paragraph in the lengthy disclosure, and was not intentional. The Examiner correctly points out that paragraph 134 describes digital signatures, and encryption of files. Again, the undersigned apologizes for the previous misstatement. However, the rest of the subject matter is certainly not disclosed in Vlaphoplus. There is no teaching or suggestion of validating, for example, the encryption key at the remote website as required by claim 16.

Claim 41 requires that a single actuation causes a prestored sequence of actions to be carried out over the network connection. The processor executes the prestored sequence of actions over the network connection based on the single actuation and no other actuations. Vlaphoplus in view of Fitzsimmons does not disclose this, as extensively discussed above, and hence Claim 41 should be allowable for similar reasons to those discussed above.

Claim 42 defines executing the sequence of actions at a later time if the network is not available. The rejection attempts to read the sequence of actions on what happens when an item is clicked in Figures 16A-16B of Vlaphoplus. Nothing in Vlaphoplus alone, or Vlaphoplus in view of Fitzsimmons discloses detecting if the network connection is available and executing the sequence later if it is not available. Therefore, claim 42 is not properly rejected under Section 103.

Claim 45 defines that a single prestored sequence of actions accesses a plurality of different Internet sites. Nowhere does Vlaphoplus in view of Fitzsimmons disclose this, and hence claim 45 is even more clearly patentable.

Claim 46 defines that the sequence of actions accesses a first Internet site to get first information and a second Internet site uses the first information to access the second Internet site. Again, Vlaphoplus in view of Fitzsimmons discloses nothing about this, and hence claim 46 is even more clearly patentable.

Claim 48 defines an encryption key, and as described above, applicant apologizes for the previous misstatement and apologizes for failing to notice the disclosure of encryption in paragraph 134. The subject matter of claim 48, however, of obtaining the validation key from a remote website, is not taught or suggested by the hypothetical combination of prior art.

Claim 49 defines a biometric reader which again is not disclosed by Vlaphoplus.

Based on the above, it can be seen that the rejection does not meet the Patent Office's burden of providing a prima facie showing of unpatentability. Reversal of the the examiner's legally incorrect position is respectfully requested.

Please charge any fees due in connection with this response to Deposit Account No. 50-1387.

Respectfully submitted,

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CLAIMS APPENDIX

1. A computing device, comprising:

a handheld housing and processor and display, said display displaying a plurality of different indicators, and wherein at least one of said indicators, when selected with a single actuation, selecting execution of a prestored sequence of actions based on said single actuation that interface with a remote internet site, takes some action on the remote internet site, and returns information from the internet site, all based on said single actuation.

2. A device as in claim 1, wherein said processor displays said information on said display.

3. A device as in claim 1, wherein said sequence accesses a plurality of different Internet sites, and said information is based on said plurality of Internet sites.

4. A device as in claim 1, wherein at least one of said indicators includes an area for entry of variable information, and wherein said variable information is sent to said Internet site.

5. A device as in claim 1, wherein said remote Internet site includes a bank, and said information includes a balance from said bank.

6. A device as in claim 1, wherein said information includes a plurality of different actions on said web site that can be carried out.

7. A device as in claim 1, wherein said a sequence of actions that are carried out to navigate through a sequence of actions on said web site and return a specified value.

8. A device as in claim 6, wherein said plurality of different actions include at least one action that can be selected to carry out said sequence of actions on said web site.

9. A device as in claim 4, wherein said web site is a web site that enables bids to be placed on items, and said entry of variable information is an area where a bid amount can be input.

10. A device as in claim 3, wherein said sequence of actions comprises taking a first action on a first web site, to obtain a first value, and taking a second action on a second web site using said first value to access said second web site.

11. A device as in claim 10, wherein said first action comprises obtaining a first bill amount from said first web site which represents a web site holding bills, and said second action comprises paying the bill amount obtained from the first web site using said second web site, which is a bank's web site.

12. A device as in claim 1, wherein said action with the remote web site comprises validating a secured transaction.

13. A device as in claim 12, further comprising an indicator with a first state indicating that said validating has occurred within a first specified time and a second state indicating that said validating has not occurred within a specified time.

14. A device as in claim 12, further comprising a biometric reader, associated with said validating.

15. A device as in claim 12, further comprising a memory storing a secret encryption key, and wherein said validating comprises using said secret encryption key.

16. A device as in claim 13, further comprising a memory storing a secret encryption key, and wherein said validating comprises using said secret encryption key, and wherein said action comprises sending a message to the remote Internet site, validating said secret encryption key at said remote Internet site, and returning an indication of a valid secret encryption key to take said first state.

17. A device as in claim 1, further comprising a handheld housing and wherein said processor and display are housed by said handheld housing.

18. A device as in claim 1, wherein said processor and display are battery driven.

19. (Withdrawn) A method, comprising:

using a prestored sequence of actions to access an Internet web site and to obtain and return specified information from said Internet web site.

20. (Withdrawn) A method as in claim 19, further comprising storing said prestored sequence of actions, by monitoring a users actions when actually accessing said Internet web site.

21. (Withdrawn) A method as in claim 20, wherein said monitoring comprises monitoring actions in the background of a Web browser.

22. (Withdrawn) A method as in claim 20, wherein said monitoring comprises executing a dedicated program that monitors actions taken to access a web site.

23. (Withdrawn) A method as in claim 19, further comprising entering a supplemental parameter value to be used in accessing said web site.

24. (Withdrawn) A method as in claim 21, wherein said monitoring comprises monitoring multiple keystrokes, and executing a specified key at a specified time to select specified ones of the monitore keystrokes.

25. (Withdrawn) A method as in claim 23, further comprising automatically determining which of said stored sequence of actions requires parameter entry.

26. (Withdrawn) A method as in claim 20, wherein said storing comprises determining a users selection of said specified information to be returned.

27. (Withdrawn) A method as in claim 19, wherein said sequence of actions accesses more than one web site.

28. (Withdrawn) A method as in claim 25, wherein said sequence of actions accesses a first web site to obtain first information, and a second web site to carry out an operation using said first information from said first web site.

29. (Withdrawn) A method as in claim 28, wherein said first web site is an account, said first information represents an amount which is due on said account, and said second web site carries out an action to pay said balance.

30. (Withdrawn) A method as in claim 19, wherein said specified information is a list of actions that can be carried out on said Internet web site.

31. (Withdrawn) A method as in claim 30, further comprising selecting at least one of said actions to be carried out on said Internet web site.

32. (Withdrawn) A method as in claim 19, wherein said Internet web site is an auction web site which enables placing bids on auctions.

33. (Withdrawn) A method as in claim 32, further comprising determining a user status on the auction web site, and returning different information based on said user status.

34. (Withdrawn) A method as in claim 19, further comprising detecting an active connection to the Internet, and updating a plurality of variables when said active connection is detected.

35. (Withdrawn) A method as in claim 20, further comprising detecting an active connection to the Internet, and enabling storing of new prestored sequences only when said active connection is detected.

35. (Withdrawn) A method as in claim 19, wherein said specified information from said Internet web site is validation information for a secured transaction.

37. (Withdrawn) A method as in claim 36, further comprising a changing a state of an indicator to indicate validation information.

38. (Withdrawn) A method as in claim 36, further comprising reading biometric information, and validating said biometric information.

39. (Withdrawn) A method as in claim 38, wherein said validation information is based on both biometric information and validation by said Internet web site.

40. (Withdrawn) A method as in claim 36, further comprising storing secret encryption information, and wherein said Internet web site validates said secret encryption information and returns secured information.

41. A computer, comprising:

a network connection;

a user interface, which displays at least one indication, where a single actuation causes a prestored sequence of actions to be carried out over said network connection; and

a processor, which operates based on a selection by said single actuation, of said prestored sequence of actions, to execute said prestored sequence of actions over said network connection based on said single actuation and no other necessary actuations.

42. A computer as in claim 41, wherein said processor detects whether said network connection is available at a current time, and executes said prestored sequence of actions at a later time if said network is not available at said current time.

43. A computer as in claim 42, wherein said processor executes each of a plurality of different prestored sequences of actions whenever said network connection is available, to obtain updated information each time said network connection is available.

44. A computer as in claim 41, wherein said prestored sequence of actions accesses an Internet site to obtain specified information from said Internet site.

45. A computer as in claim 41, wherein a single one of said prestored sequences of actions accesses a plurality of different Internet sites, to obtain specified information from each of said plurality of different Internet sites.

46. A computer as in claim 45, wherein said prestored sequence of actions accesses a first Internet site to obtain first information, and accesses a second Internet site using said first information to access said second Internet site.

47. A computer as in claim 41, wherein said processor also carries out an operation to validate based on an encryption key.

48. A computer as in claim 47, wherein said processor sends said encryption key to said remote site, and obtains a of validation key from a remote site.

49. A computer as in claim 48, further comprising a biometric reader, and wherein said obtains a validation key comprises validating based on both said encryption key and a signal from said biometric reader.

50. A computer as in claim 48, further comprising an indicator, and wherein said indicator is changed in state based on said validation key.

51. A device as in claim 41, further comprising a handheld housing and wherein said processor and user interface are housed by said handheld housing.

52. A device as in claim 41, wherein said processor and user interface are battery driven.

EVIDENCE APPENDIX.

None

RELATED APPEALS APPENDIX

None